

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES KERN,

Plaintiff,

v.

JIM COOPER, et al.,

Defendants.

No. 2:23-cv-0618 AC P

ORDER

Plaintiff is a county prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed November 8, 2023, the court screened the complaint and found that plaintiff had stated claims for relief against Does 1-3. ECF No. 12. However, due to the impossibility of serving an unknown individual, plaintiff was ordered to seek information to identify the defendants so that service could be accomplished. ECF No. 14. He was further advised that he could seek judicial intervention if the required information was denied. Id. Plaintiff has now filed a notice in which he requests court assistance because when he attempted to obtain the information from the jail he was told a court order would be required. ECF No. 15. Attached to the notice is a response to a jail grievance stating that a subpoena would need to be submitted to obtain the requested information. Id. at 2. The notice will be construed as a motion for a subpoena form and for service of the subpoena by the United States Marshal and the motion will be granted.

1 The Clerk of the Court will be directed to provide plaintiff with a subpoena form, which
2 plaintiff will be required to complete. The subpoena should list the information plaintiff is
3 attempting to obtain from the jail and must be limited to information regarding the identities of
4 the defendants. Upon completion of the subpoena, plaintiff should return it to the court for
5 service. If the information sought by the subpoena goes beyond that necessary to identify the
6 defendants, it will be narrowed accordingly.

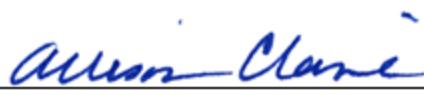
7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's notice regarding his attempts to identify the defendants (ECF No. 15) is
9 construed as a motion for a subpoena form and for service by the United States Marshal and is
10 GRANTED;

11 2. The Clerk of the Court is directed to provide plaintiff with a signed but otherwise
12 blank Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of
13 Premises in a Civil Action;

14 3. Within twenty-one days from the service of this order, plaintiff shall complete the
15 attached Notice of Submission of Documents and submit it to the court with the completed
16 subpoena.

17 DATED: November 29, 2023

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION OF
DOCUMENTS

Plaintiff submits the following document in compliance with the court's order filed

_____:

_____ 1 completed Subpoena to Produce Documents, Information, or Objects or to
Permit Inspection of Premises in a Civil Action

DATED:

Plaintiff _____